

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 27, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

SHINE H.¹,

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,²

Defendant.

No. 2:20-cv-00329-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 18, 25

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 25, requesting remand of the above-captioned matter to the Commissioner for

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

² Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

1 additional administrative proceeding pursuant to sentence four of 42 U.S.C. §
2 405(g). Attorney David Lybbert represents Plaintiff. Attorney Martha Boden
3 represents Defendant. The parties have consented to proceed before a magistrate
4 judge. ECF No. 5.

5 After consideration, **IT IS HEREBY ORDERED** that:

6 1. The District Court Executive is directed to substitute Kilolo Kijakazi as
7 the Defendant and update the docket sheet.

8 2. The parties' Stipulated Motion for Remand, **ECF No. 25**, is **GRANTED**.

9 3. The above-captioned case be **REVERSED** and **REMANDED** to the
10 Commissioner of Social Security for further administrative proceeding pursuant to
11 sentence four of 42 U.S.C. § 405(g).

12 The parties have stipulated to the following:

13 On remand, the Appeals Council will instruct the ALJ to:

- 14 • Offer Plaintiff the opportunity for a new hearing;
- 15 • Reevaluate the medical opinions and prior administrative medical
16 findings, consistent with the requirements of 20 C.F.R. § 416.920c;
- 17 • Reassess Plaintiff's subjective allegations and residual functional
18 capacity, as needed;
- 19
- 20

- 1 • Obtain supplemental vocational evidence as needed, to clarify
- 2 Plaintiff's ability to perform other work available in the national
- 3 economy; and
- 4 • Take further action to complete the administrative record and address
- 5 any additional evidence submitted for the remand hearing, resolve the
- 6 above issues, and issue a new decision.

7 *See* ECF No. 25 at 1-2.

8 3. Judgment shall be entered for **PLAINTIFF**.

9 4. Plaintiff's Motion for Summary Judgment, **ECF No. 18**, is **STRICKEN**
10 **AS MOOT**.

11 5. Upon proper presentation, this Court consider Plaintiff's application for
12 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

13 The District Court Executive is directed to enter this Order, **enter**
14 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

15 DATED July 27, 2021.

16 s/Mary K. Dimke
17 MARY K. DIMKE
18 UNITED STATES MAGISTRATE JUDGE
19
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